

**IN THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT  
OF COLUMBIA CIRCUIT**

ADVANCED ENERGY UNITED,  
CLEAN ENERGY BUYERS  
ASSOCIATION, ENERGY ALABAMA,  
GEORGIA INTERFAITH POWER AND  
LIGHT, NATURAL RESOURCES  
DEFENSE COUNCIL, NORTH  
CAROLINA SUSTAINABLE ENERGY  
ASSOCIATION, PARTNERSHIP FOR  
SOUTHERN EQUITY, SOLAR  
ENERGY INDUSTRIES ASSOCIATION,  
SOUTHERN ALLIANCE FOR CLEAN  
ENERGY, SOUTH CAROLINA  
COASTAL CONSERVATION LEAGUE,  
SOUTHFACE INSTITUTE, and VOTE  
SOLAR,  
*Petitioners*

v.

FEDERAL ENERGY REGULATORY  
COMMISSION,  
*Respondent*

Case No. 23-1341

**UNDERLYING DECISION**

The underlying agency decision challenged in this petition for review is set forth in the following orders of the Federal Energy Regulatory Commission:

1. *Alabama Power Co., Dominion Energy South Carolina, Inc., Louisville Gas and Electric Co., Duke Energy Carolinas, LLC, Duke Energy Progress, LLC, Georgia Power Co., Kentucky Utilities Co., Mississippi Power Co., Notice of Filing Taking Effect by Operation of Law, Docket Nos. ER21-1111-002, ER21-1112-002, ER21-1114-002, ER21-1116-002, ER21-1117-002, ER21-1119-002, ER21-1120-002, and ER21-1121-002 (Oct. 13, 2021);*

Statement of James P. Danly, Docket Nos. ER21-1111-002, ER21-1112-002, ER21-1114-002, ER21-1115-000, ER21-1115-001, ER21-1115-002, ER21-1116-002, ER21-1117-002, ER21-1118-002, ER21-1119-002, ER21-1120-002, ER21-1125-000, ER21-1125-001, ER21-1125-002, and ER21-1128-002 (Oct. 20, 2021); Statement of Commissioner Christie, Docket Nos. ER21-1111-002, ER21-1112-002, ER21-1114-002, ER21-1115-000, ER21-1115-001, ER21-1115-002, ER21-1116-002, ER21-1117-002, ER21-1118-002, ER21-1119-002, ER21-1120-002, and ER21-1125-000, ER21-1125-001, ER21-1125-002, and ER21-1128-002 (Oct. 20, 2021); Statement of Chairman Glick, Docket Nos. ER21-1111-002, ER21-1114-002, ER21-1120-002, and ER21-1112-002 (Oct. 20, 2021); Statement of Commissioner Clements, ER21-1111-002, ER21-1112-002, ER21-1114-002, ER21-1116-002, ER21-1117-002, ER21-1119-002, ER21-1120-002, and ER21-1121-002 (Oct. 20, 2021).

Dated January 19, 2024.

Respectfully submitted,

/s/ Maia Hutt

Maia Hutt

Southern Environmental Law Center

601 West Rosemary St, Suite 220

Chapel Hill, NC 27516

(919) 967-1450

[mhutt@selcnc.org](mailto:mhutt@selcnc.org)

*Counsel for Energy Alabama, Georgia Interfaith Power and Light, North Carolina Sustainable Energy Association, Partnership for Southern Equity, Southern Alliance for Clean Energy, South Carolina Coastal Conservation League, Southface Energy Institute, Vote Solar*

/s/ Danielle C. Fidler

Danielle C. Fidler

Earthjustice

48 Wall Street, 15<sup>th</sup> Floor

New York, NY 10005

(202) 667-4500

[dfidler@earthjustice.org](mailto:dfidler@earthjustice.org)

Alexander Tom  
Earthjustice  
50 California Street, Suite 500  
San Francisco, CA 94111  
[atom@earthjustice.org](mailto:atom@earthjustice.org)

John N. Moore  
Natural Resources Defense Council  
20 North Wacker Street, Suite 1600  
Chicago, Illinois 60201  
(312) 651-7927  
[jmoore@nrdc.org](mailto:jmoore@nrdc.org)

Caroline Reiser  
Natural Resources Defense Council  
1152 15<sup>th</sup> St. NW #300  
Washington, DC 20005  
(202) 717-8341  
[creiser@nrdc.org](mailto:creiser@nrdc.org)

*Counsel for Natural Resources Defense Council*

/s/ Ben Norris

Ben Norris  
Solar Energy Industries Association  
1425 K Street NW Suite 1000  
Washington, DC 20005  
[bnorris@seia.org](mailto:bnorris@seia.org)

*Counsel for Solar Energy Industries Association*

Todd G. Glass  
Wilson Sonsini Goodrich & Rosati, PC  
501 Fifth Avenue, Suite 5100  
Seattle, WA 98104  
(206) 883-2571  
[tglass@wsgr.com](mailto:tglass@wsgr.com)

Nicholas Gladd  
Wilson Sonsini Goodrich & Rosati, PC  
1700 K Street NW

Washington, DC 20006

[ngladd@wsgr.com](mailto:ngladd@wsgr.com)

Jeremy McDiarmid

Advanced Energy United

1801 Pennsylvania Ave. NW

Suite 410

Washington, DC 20006

[jmcdiarmid@advancedenergyunited.org](mailto:jmcdiarmid@advancedenergyunited.org)

*Counsel for Advanced Energy United*

/s/ Karl Sandstrom

Karl Sandstrom

Perkins Coie LLP

700 Thirteenth Street, NW Suite 800 Washington,  
DC 20005-3960

[KSandstrom@perkinscoie.com](mailto:KSandstrom@perkinscoie.com)

*Counsel for Clean Energy Buyers Association*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2024, I caused the foregoing Underlying Appendix to be served via the Court's CM/ECF system.

/s/ Danielle C. Fidler

Danielle C. Fidler

Earthjustice

48 Wall Street, 15<sup>th</sup> Floor

New York, NY 10005

(202) 285-0926

[dfidler@earthjustice.org](mailto:dfidler@earthjustice.org)

DATED: January 19, 2024